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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7 CHARLES DAVIS,

8 *Plaintiff,*

9 vs.

10 SHERIFF DOUGLAS GILLESPIE, *et al.*

11 *Defendants.*
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2:13-cv-01257-JAD-NJK

ORDER

14 This removed *pro se* prisoner civil rights suit comes before the Court on plaintiff's
15 motion (#15) for an extension of time and further on a preliminary review of the complaint.

16 Plaintiff seeks an extension of time to file "initial disclosures, amended pleadings and
17 added parties, etc." because he is able to access the prison law library allegedly for only two
18 hours per week. It does not appear that plaintiff was under any deadline at the time that the
19 motion was filed. The case is pending for screening such that a scheduling order has not
20 issued herein, and this type of action otherwise is not subject to the initial-disclosure
21 requirements of Rule 26 of the Federal Rules of Civil Procedure. See Fed. R. Civ. Pro.
22 26(a)(1)(B)(iv). The extended period sought in any event has elapsed. The motion therefore
23 will be denied without prejudice as both unnecessary and moot.

24 In denying the motion, the Court notes that plaintiff at all times remains responsible for
25 calculating the application limitations period(s) and timely asserting claims. Neither this order,
26 any deadline established herein, nor any extension thereof signifies any implied finding by the
27 Court of a basis for tolling during the time period established. That is, in setting any deadline
28 to amend the complaint and/or in granting any extension thereof in this action, the Court

1 thereby makes no finding or representation that the complaint, any amendments thereto,
2 and/or any claims contained therein are not subject to dismissal as untimely. *Cf. Sossa v.*
3 *Diaz*, 729 F.3d 1225, 1235 (9th Cir. 2013).

4 In conducting preliminary review of the complaint, it appears that the copy of the
5 complaint on file in this removed matter is not signed. Pursuant to Rule 11(a), the Court will
6 afford plaintiff an opportunity to file a signed complaint. If plaintiff does not do so timely, the
7 complaint will be stricken and the matter will be dismissed without further advance notice.

8 IT THEREFORE IS ORDERED that plaintiff's motion (#15) for an extension of time is
9 DENIED without prejudice as unnecessary and moot.

10 IT FURTHER IS ORDERED that the Clerk of Court shall SEND plaintiff a copy of the
11 complaint (filed with #1) – with the docket number stamped or written on the copy – and that
12 plaintiff shall have **thirty (30) days** within which to sign the copy and return it to the Clerk for
13 filing. The current complaint will be stricken and the action will be dismissed without further
14 advance notice if plaintiff does not timely return a signed copy of the complaint to the Clerk
15 for filing.¹

16 DATED: April 25, 2014

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NANCY J. KOPPE
United States Magistrate Judge

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28 ¹The Clerk shall file the returned signed copy notwithstanding that the pleading is captioned for the
state court in this removed action.